# THE LONG Parliament DISSOLVED.

Deut. 27. 17.

*Curſed be he that Removeth his Neghbours Land-Mark*
*And all the People ſhall ſay,* Amen.

Printed in the Year, 1676.

# THE

# Long Parliament Diſſolved.

WISDOM ſaith, *There is as well a time to Speak, as a time to be Silent*; And though Wiſe Men are often hardly put to it, to know the Proper ſeaſons of the one or the other; Yet where Neceſſity hath left no Choice, but abſolutely impoſeth One upon us, there can be no Stait upon the Judgment. And would to God it could not be made moſt demonſtrable that ſuch a Neceſſity we are under at this time. For no leſs than the *Lavvs*, and with them the *Lives*, *Liberties*, and *Properties* of every *English-Man* is at Stake; and we, with all other our Fellow *English-Men*, are under the higheſt Obligation to break our guilty Silence, or with our Tongues in our Mouthes, ſee all our *Antient Rights* Raped from Us and our Poſterity for ever; and our *Living Child* of *Liberty* and *Property*, ſtily ſtolen from our ſides, and a *Dead One* of *Vaſſalage* and *Miſery* laid in its room.

VVherefore on our own behalf, and the behalfes of all other the People of *England*, we crave leave to ſpeake.

As *Reaſon* differenceth Men from Bruits, ſo *Lavvs* (which are but the reſults of *Reaſon*) doth difference *Free-men* from *Slaves*: For it is *Lavv* only which makes and ſecures our *Liberties* and *Properties*, that neither they nor we, are Governed as *Beaſts* by *Will* and *Pleaſure*; but lays ſuch a *Reſtrant* upon the *Government*, as that it cannot do to us, or any thing that is ours, *ad Libitum*, but muſt *Govern* as the *Lavv* directs.

Hence was it that the wiſdom of our Anceſtors laid out

it ſelf more, to Legally ſecure our *lives*, *liberties* and *fortunes* from all *Wrongs* from the *Government*, than from the *private Injuries* of *one* Man to *another* : For they knew that occaſional and temporary *lavvs* would eaſily be made to reſtrain theſe, if they did; But to ſecure the other, make ſure proviſion of *frequent parliaments* : For they had ſo glorious a Value of, and kindneſs for our *English liberty*, *that* they would not truſt the *Guardianship* thereof to any under Heaven, but to the *people themſelves*. And therefore that they might have a continued Aſſurance and a perpetual Satisfaction that their *liberties* ſhould continue in *ſtatu quo*, It was Ordaincd, *That for the maintenance of the ſaid liberties, and Remedy of Miſchiefs and Grievances that daily happen, A parliament ſhould be held once every year*, 36. Edw. 3. Cap. 10.

'Tis true, ſome of our kings have omitted the holding of *parliaments* for a longer time than a year, and the people have ſilently waited, and born that Omiſſion. And in like manner ſo have we, not withſtanding his *Majeſties Coronation Oath*, and his many moſt ſolemn and oft repeated promiſes for the *Keeping of the lavvs* : and yet continuing a parliament of the prodigious length of 15 or 16 yeares, till they were not the *Repreſentatives* of the one half of the People of *England* : Yet, we ſay, we held our peace. And though we know, that all the People of *England* have equal Right to be *Repreſented*, and could make it demonſtrable, that a Parliament of that length can never be the *Repreſentative* of half the people; for all from 21 years of age to 37, which are the *Major* part of the people of *England*, both in Number and Vigor, and the Flower and Strength of the Kingdom, and that are only able to Defend it from any Enemies or Invaſions, were never *Repreſented* in this parliament; and that the major part of thoſe that were *Repreſented*, never ſo much as thought or intended that the *truſt* they gave, ſhould be continued to ſuch a monſtrous duration;

for

for the Gentry of *England*, who think themſelves born to have their ſhare in *Ruling* as well as being *Ruled*, judge it a very hard thing upon them, That they ſhould be ſecluded from their hopes of having the honour to ſerve their king and Country in parliament (the greateſt *Schoole of knowledge* and improvement in the Kingdom) be bound to walk in the Hall, or like Laquies, wait in the Lobby all their lives long, and ſee 500 perſons hold the Seat, as if they had each of them a Patten for his place; whereas if we had annuall parliaments according to Law, there might 8000 Gentilemen have ſerved in parliament ſince the King reſtoration, which had been a great accompliſhment to the Kingdom; And that there being at leaſt 20000 Gentlemen in the Kingdom, and many of them of as good Brains, Families, and Fortunes as any in the Houſe, and ſhould be debarred from that higeſt Truſt and Honour, and ſhould be forced to dance attendance all their dayes on 500 only, would have provoked any Nation in the VVorld to have ſpoke but we. And yet for all this we were ſilent and reſolved to wait with patience: For we conſidred, though we had not what we ought to have, yet it was but ſtill a ſin of Omiſſion, and did think with our ſelves, that ſome Circumſtance of Affairs abroad, and the Poverty and Diſcontent of the People at home, would at laſt reduce things into their old and proper Order, and that we ſhould at length ſee *Parliaments* in their Antient Legal Channel again, and both *King* and *People* reaping the Fruits and Bleſſings, that would flow from thence.

But in ſtead thereof, to our great amazement, all on the ſuddain, we found our ſelves plunged into a far greater extremity than ever; for whereas before *Parliaments* were only omitted or continued longer than the law intended, but now by the laſt *Prorogation*, the *king* hath poſitively Ordered that a *Parliament* ſhall not be held within the time appointed by law: So that the matter is come to this nar-

narrow Issue, *That either this Prorogation is Null, and the Parliament at an End*, or *All our LAWS are of no Effect.* And therefore we Appeale to Mankind in general, and more particularly to every Member of the late Parliament, Whether we are not reduced to an unavoidable necessity of Breaking our Silence.

For, our Law (*Viz.*) 4. *Edvv.* 3. *Cap.* 10. 36. *Ed.* 3. *Cap.* 14 5. *Edvv.* 3. *No.* 141. 5. *Ed.* 2. *No.* --- 1. *Rich.* 2 *No.* 95. Do positively appoint *The Meeting of a Parliament once within a year.* But directly contrary to all these Statutes, this last Prorogation doth Order the *Parliament* not to Meet within a Year, but some Months after. And therefore either this *Prorogation* is Null and Void in Law, and consequently the Sitting and Acting as a *Parliament* is at an End, or else by your Sitting and Acting, you will Admit and Justify, That a particular Order of the Kings is to be obeyed, tho contrary to an Act of *Parliament*, of what importance soever; and thereby at once subvert the whole Government of *England* by Law. The dreadfull Consequences whereof would fill any true *English-Man* with Indignation to consider.

For if a particular Order of the King is to be obeyed contrary to all those Laws, made for holding *Parliaments* for the Maintenance of all the Laws of the Kingdom, and Remedy of Mischiefs and Grievances which daily happen, then another particular Order of the Kings, contrary to *Magna-Charta*; and another Order of the Kings, contrary to the *Petition of Right*; and another particular Order of the Kings, contrary to the Statute *De Tallagio non concedendo*, must also be obyed. So that then the King may by his particular Order take away any mans Life, Liberty or Estate, when ever he pleaseth: And our condition is changed from that of *Freemen*, to be worse than that of *Villaines*: For tho the Lord had the power over his *Villaines* Goods and Liberty, yet he had not a power over the Life of his *Villaine*, that the Law secured to him. But if the Kings particular Order contrary

trary to Law, must be obeyed, we have nothing to secure our very Lives unto us.

For if our Lives, Liberties and Estates have their Security from the *Lavvs* only, and the *Lavvs* have their Maintenance from *Parliament*, then if a particular Order of the King concerning the Sitting of *Parliament* must be obeyed contrary to all these Acts, made for holding of *Parliaments*, the King when ever he pleaseth may take away both the Laws which should Secure us, and *Parliaments* which should secure our Laws, and then in what a condition we shall be left, (we conceive) both you and we may easily judg; For now if any threatens to take away our Lives arbitrarily, and without the legal Judgment of our peers, or our liberities without shewing cause in Law we can answer *Magna Charta* will not suffer you. If any threaten to violate our Properties, we can now answer the *Petition of Right* will not suffer you. If any attempt to raise money without consent in *Parliament*, we can yet say, No, the law *De Tallagio non concedendo* will not permit you. But if the Kings particular Order contrary to these Laws must give *supercedias* to them, and be obeyed by us, what have we to answer then? For you throw the whole People of *England* on their knees to beg for their Lives, and for what part of their liberties and properties will and pleasure will please to spare them.

The *Lavvs* are the Banks and Fence of our *Lives*, and all that we can call Ours, so that no man can wrong us, neither in our Persons nor our Properties, but we can strait run to them for Right, But if contrary to *Lavv*, an Order of the Kings, that breakes down these Banks and Bounds, and like an Inundation overflows all our Freedom, must be obeyed, VVhat end will there be of our Miseries? VVhere will it stop or who, or what can stop it? Now 'tis injustice in any person whilest our *lavvs* govern us, to take any thing that is ours illegally from us, but if the kings Order against our *lavvs* must be obeyed, 'twill be Mercy that any thing of ours is

left us. Nay to ſay truth, then all is his, and we have nothing that we can call ours, for 'tis *lavv* alone that makes property.

Nor are our written *lavvs* and *ſtatutes* only ſubvertted, but the Common *lavv* may alſo by the ſame Rule: For if an Order of the king muſt be obeyed, againſt *Acts* of *parliament* of the higheſt Importance, and moſt Univerſal concern, then alſo may his Order be obeyed againſt the *Common lavv*; And then where as by the *Common lavv* every Member of *Parliament* is to have 40 days Summons before the Meeting of *parliament*, that he may have time ſufficient or prepare himſelf to come up and attend the diſcharge of his duty, that there may be a full Aſſembly, and nothing done upon the catch, nor by a party; the kings Order contrary to this *lavv* may reſtrain the 40 dayes to 20, 10, 5, 4 dayes nay, 24 hours if he pleaſe; and it may be eaſily ſuppoſed, he cannot want a *Quorum* of, each Houſe, of his own Servants and Officers who may diſpatch what *lavvs* ſoever he pleaſeth, though to the total alteration of the Government, before any from the Country can come up to hinder it.

And not only the *Statute* and *Common lavv*, but *lex & conſuetuto parliamenti*, the laws and cuſtoms of parliament, is likewiſe ſubverted. For whereas by that law and cuſtom of parliament 40 Members and a Speaker makes a Houſe, this or any ſucceeding kings, may by the ſame power, order that 24, nay 14, or any leſs number ſhall make a Houſe, and then a parliament may be packt with eaſe at pleaſure. And the law and cuſtom of parliament allowes freedom of debate, and indemnifies every Member that ſpeaks his mind, from any other Judgement but that of their own Bar (from which freedom it hath the denomination of *parliament*) But if a private Order of the king or his Succeſſors muſt be obeyed, the Members of either Houſe may be brought to anſwer for their freedom of ſpeech at the *kings-bench-bar*,

and

and from thence at a worſe place, and they have no Law left nor cuſtom of Parliament to relive them.

We might inſtance in many other Laws and cuſtoms of Parliament, by which extraordinary Priviledges are given to the whole Parliament, and to every Member thereof in particular, but that would rather befit a Volumn than ſuch a Diſcourſe: Wherefore we will ſhut up this Point with this Concluſion: *That if you do admit that the Kings Order, contrary to Lavv, muſt be Obeyed, you do admit, that the King and his ſucceſſors, may hold Parliaments only vvhen they pleaſe, and vvhen they do hold them, may make them do vvhat they pleaſe; Nay, that they may vvith or vvithout Parliaments make Lavvs or make their particular Orders and Proclamations go for Lavvs raiſe Money, and do to Parliaments, and all the People of* England, *to their lives, to their liberties, and to their eſtates, vvhatſoever either the kings themſelves, their miniſters, or the vvorſt of evil Counſellors can deſire.* An admiſſion ſo Impudent that the *French Tyranny* came in more modeſtly than this. For the *French King* introduced his Abſolute Rule by Courtſhip, He *pray'd a lavv to order him to raiſe Money but till their next Meeting, and that neither but if there vvere occaſion*; which the Parliament by Inadvertency granted, and have never Met ſince. But he did not iſſue out an Order contrary to the Laws, and bare-fac'd impoſe his Will upon them: For tho they were *French-men* they could never endure that: And ſhall *English-men*, not by *Inadvertency*, but upon *Deliberation* patiently ſuffer the ſelf ſame Yoak to be put upon them, on worſer Tearms?

This we ſay not, Gentlement, by way of acknowledgment that you are in a legal Capacity now, to do us either good or hurt, for your Day is done, and your Power expired, but that you may not like a Snuffe, ſmell ill after you are out. For the only reaſon why we more particularly direct our ſelves to you, is, becauſe of the Character you have born, that therefore you ſhould not ſo much as ſeem to give Prerogative the upper hand of the Law, That however you

lived, yet all may ſay and witneſs for you, that you dyed well and made a worthy End. For, it is now no time to flatter you, and therefore we deal truly with you; Things are at their Iſſue, and either you are dead or our Laws are ſo: But our Laws, we are ſure are living, and we truſt will live to all Generations, though there are ſome Gentlemen of your Aſſembly, ſo deſirous of longer Life, that they labour mightily to perſwade the world, That the Laws we mention for *Annual Parliaments*, are Repealed: But if they are, 'tis this Prorogation hath Repealed them: For they were declared to be in force when the *Triennal Act* was made in 16 *Caroli primi*; and ſo they are in the Statute for Repealing that *Triennal Act*, in 16 *Caroli ſecundi*, in theſe notable words.

*And becauſe by the ancient Lavvs and Statutes of this Realm made in the Reign of King* Edw. 3. *Parliaments are to be held very often*, &c. And how this Act ſhould title them the *Antient Lavvs and Statutes of this Realm*, and ſay, *that by them Parliaments are to be held very often*, if they were Repealed and were no laws and ſtatutes of the Realm, is wondrous ſtrange. For if they were no Laws and ſtatutes, then certainly *Parliaments*, are not to be held very often, nor at all by them; but that Law affirms, *They are the Antient Lavvs and Statutes of the Realm*, and ſuch Laws and Statutes that Parliaments are to be held by them: So that you ſee theſe Laws were declared in force, even by your ſelves in the ſixteenth year of his Majeſties Reign, and we are ſure there hath been no new Parliament ſince to Repeal them, however we hope the whole Nation will ſtrictly obſerve every man among you, that to ſit a little longer yet, would ſacrifice to this Prorogation, the very beſt laws (and in them all the Laws and Liberties) of *England*.

Therefore let not any delude you with ſuch little pittifull Objections, that you your ſelves are aſhamed to acknowledge for your own; and urge them only as other mens opinions, for theſe ſorry doſes will never do, no nor the higheſt cor-

cordial they can propoſe, your Voting your ſelves alive; for Miracles are ceaſed, and if they were not, raſing a dead Parliament to Life again, is beyond the power of any mortal, and one of thoſe workes that ceaſeth for ever.

'Tis very ſtrange to ſee how theſe Gentlemen wriggle about, and like drowning perſons catch at every ſtraw to ſave them.

Yeſterday they urged theſe laws were Repealed, and now they ſee they can do no good there, to day they acknowledge that they are in force, and apply all their wit to prove that the Laws may ſtand, and this prorogation too: For ſay they, Thoſe Laws do appoint, we ſhall have a Parliament once a year, and ſo we ſhall have for all this Prorogation; for we had a Parliament in 75, and we ſhall have a Parliament in 76; This is a very fine account: But according to this computation there may be 14, 16, or 23, months as well as 12 in a year: But he is a very novice in our Law, that knows not, that where ever a *year, every year, within a year, yearly, or once a year,* is mentioned in any Statute, it is to be underſtood *twelve Months* only, and not one day more or leſs: As may be ſeen in the Statutes of *Uſury, Recuſancy, Comformity, Appeals for Murder,* and all other Statutes, wherein a *year* is expreſſed.

And it is more repugnant to reaſon to underſtand by a *year* in theſe Statutes more than *twelve months,* then in any of the former; for the following words, *And more often, if need be.* And the urging the Reaſon of their frequence; *For the maintence of the Lavvs and the remedying of Grievances and Miſchiefs vvhich daily happen,* do plainly ſhew, that the Laws do not intend that *Parliaments* ſhould alwayes be intermitted for ſo long as *twelve months,* but never longer. But theſe Gentlemen would rather alter our very Language, and the Common acceptation of words, than ceaſe to be a *Parliament.*

And therefore this laſt *Prorogation* is Null in *Law,* in ordering

dering a *Parliament* ſhall not be held till *fifteen months*, contrary to the Laws that order, a *Parliament* ſhall be held once every year, and if the prorogation be Null, you are Nulled therewith.

Now do not think to ſalve your Authority by your own Vote, for we and all men muſt tell you, That no *Parliament* that is not antecedently ſo, can make it ſelf a *Parliament* by Vote, and nothing can be the Cauſe of it ſelf.

Well! But now ſince neither the Laws are Repealed to make room for this Prorogation, nor the Prorogation and the Laws are able to ſtand both together, theſe Gentlemen hunt to find out a third expedient, and ſay, That if the Prorogation be null, becauſe of its illegal length of time, yet they are not thereby diſſolved but ouly diſmiſſed *ſine die*, and to be recalled by the Kings Proclamation; a ſubterfuge as vain as either of the former, and altogether as unable to anſwer the ends of thoſe that urge it; for if the Kings prorogation was Null in Law, becauſe it ordered the meeting of the Parliament at a day of ſuch an undue length as was contrary to the Law, then how can a Proclamation, ordering their meeting on the ſame day, make it good in Law? For the only thing illegal in the Prorogation was the length of time, (for its not to be doubted but his Majeſty may prorogue Parliaments, ſo it be not contrary to Law) and to think that a Proclamation for meeting at the ſame time (or indeed at any time) can cure the illegality of the Prorogation is but an abſurd opinion. *Et uno abſurdo dato, mille ſequuntur.*

And therefore we affirm, That a Prorogation or diſmiſſion *ſine die*, was one of the antient Forms of diſſolving Parliaments, for a Parliament ſo diſmiſſed, never ſat again, nor was it ever done in any other caſe. And good reaſon, for otherwiſe all our Laws would be utterly eluded: For if the Laws appoint a Parliament ſhall be holden once ever year, and a prorogation comes and ſayes no; a Parliament ſhall not be held till a year and a quarter, and after you ſee this

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prorogation Null and Void in Law, you can ſlide your ſelves from under the Prorogation ( and are content that there ſhould be a Nullity ) and ſhelter your ſelves under a *ſine die* and urge that on your behalf; we ſay, could you do this, Our Laws were of no avail but meer Cyphers only.

And therefore we ſay firſt, That it is not really ſo, for you were prorogued to a certain day, and not *ſine die*; and if the Law make that day ( to which you are prorogued ) as Impoſſible ever to come, as the *thirtieth of February*, we cannot help that; but it is the only day upon which your being ſtands, and if by the Law that day can never come, then by the ſame law you can never come.

But were it ſo, ſtill it were but as broad as long, for a Prorogation *ſine die*, is nothing but a diſſolution neither, for there is no other *ſine die* in Nature but that: ſo that look which way you will, whether on the Prorogation of the *fifteenth of February*, or a *Diſmiſſion, ſine die*, the law ſhews you nothing but Death; and you love to be Members of Parliament a great deal better than we, if you will adventure your Lives and Fortunes, to ſit after the *Lavv* hath put a *Diſſolution* on you.

*Edvvard* the Fourth held a Parliament the eight day of *April*, in the thirteenth year of his Reign, which he Prorogued to the ſixth of *October* following, but being deſirous to call them ſooner, if the urgency of his affaires ſhould require it, no other expedient could be found to enable the King to do it, but by a ſpecial Act of Parliament to adjorn them to that time, and yet, if occaſion did require, to ſummon them ſooner, which Act was made with that caution and legal formallity, that in the very Record of that Prorogation there is a *Salvo* for the Act of Parliament, and the Act it ſelf recited, *in hac verba*, in the Record, *Rot. Parl.* 13. *Edvv.* 4. *No.* 42.

*Item*,

*Item, eodem octavo die* Aprilis, *poſt gratias reditas ex parte dicti, Domine Regis & ejus mandato per venerabilem patrẽ,* Willm. Bathon. *&* Wellen. *Epiſcopum Cancellarium præfactis Dominis & omnibus tunc ibidem preſentibus, de eorum bonis diligentiis & laboribus circa ea quo ſibi ex parte Regia injuncta fuerunt exhibitis & oſtend. Idem Cancellarius ex mandato ejuſdem Dom. Regis ulterius declaravit qualiter Idem Dominus Rex, ſacrum tempus Quadrageſimate tunc inſtans & fere præteritum, ad ſacrum Feſtum* Paſchæ, *tunc quaſi in proximo exiſtens, quamꝯ neceſſarium atꝯ placabile eſſet, tam Dominis quam Communibus, dicto Parliamento intendentibus ad ſuas Libertates exiſtere, aliaſꝯ cauſas urgentes ipſum Dominum Regem & Regnum ſuum Angliæ concernentes, debitæ diſcuſſionis libramine, ponderans Parliamentum ſuum predictum, uſꝯ ſextum diem* Octobris *tunc proximum futurum, ad idem Palatium apud* Weſtminſter, *quo tunc erat tentam, tunc ibidem tenend. cenſuit prorogand. & adjornand. & illud realiter ſic prorogavit & adjornavit, omnibus & ſingulis quorum interfuit firmiter injungendo quod ad dictum ſextum diem* Octobris *apud dictũ Palacium* Weſtmin. *excuſatione quærunꝯ ceſſante perſonaliter convenient in negotiis dicti Parliamenti proceſſurus.---- Salva ſemper præfato Domino Regi conditione in quodam Actu authoritate dicti Parliamenti ſuper hujuſmodi prorogatione & adjornatione edito contenta : Cujus quidem Actus tenor de vero in verbum hic ſubſequenter inſeritur,* viz.

*Rot. Parl.* 13. *Ed.* 4. *No.* 43.

Foraſmuch as the King intendeth to Prorogue and adjourn this his preſent *Parliament* to this his Palace of *Weſtminſter*, unto the ſixth day of *October* next coming, then, there to be holden. It is Ordained by the authority of this preſent Parliament, that all-be-it any ſuch prorogation and adjournment be had, yet if for any urgent cauſe moving his highneſs, it ſhall be though to the ſame behoveful, to reaſume, reaſſemble, and have appearance of this his ſaid *Parliament*, at any time or place, within this his King-

Kingdom, afore the ſaid ſixth day of *October*, that then at his pleaſure he may direct his ſeveral Writs to the Sheriffe or Sheriffes of every ſhire of this his Realm, to make open Proclamation in every ſhire Town, That all Lords ſpirituall and temporal, being Lords of *Parliament*, and all Knights of ſhires, Citizens of Cityes, and Burgeſſes of Broughs, returned in this preſent *Parliament*, perſonally appear at ſuch day and place, as in the ſame Writs of Proclamation ſhall be ſpecified: ſo always that every of the ſaid writs be made out twenty days or more before the ſaid day of appearance limited by the ſame: And that ſuch appearance at that day and place, to be limited by the ſaid writs, be taken and had of like force and effect, as if the ſame King had prorogued and adjourned this his ſaid Parliment unto the ſame day and place. And that then the ſaid prorogation and adjournment to be had to the ſaid palace of *Weſtminſter* unto the ſaid ſixth day of *October* to be void and of none effect.

And in this Inſtance, there are theſe two things obſervable. *Firſt*, How careful our Anceſtors were in all their conceſſions to their Kings, that they did not damage their Laws, and thereby hurt the people, who had entruſted them. And next, That that was a very learned Age, and had the aſſiſtance of *Littleton* and *Huſſey*, two as great Lawyers as any one time hath produced. And certainly all this trouble, care and pains, both to King and parliament might have been ſaved, if either that Age or thoſe learned men could have found out the expedient of a *Parliament Prorogued* or *adjourned, ſine die*, but there was none.

And 'tis well that there is not; for if the King by prorogation, *ſine die*, may hold parliaments but in *fifteen months*, then by a prorogation *ſine die*, he may not hold them (if he pleaſe) but in *fifteen year*, nay but in twice or thrice *fifteen* if he will.

And on the other hand, If the King by a prorogation *ſine die*, may hold a parliament, then he may call them together

again

again in 7 or 8 dayes, when all the Country members are returned to their homes, and none can attend by reaſon of the ſuddenneſſe thereof, but ſuch as the King may hope for any thing from (as we have already intimated: ſo infinite are the miſchiefs that would attend a *ſine die*,-Prorogation, that, God be thanked, our *Laws* and Anceſtors would never abide it (in any other ſence than we have ſaid) And therefore do not think the People of *England* will ever do that Indignity to their *Lavvs*; That diſhonour to the *Finger of God*, which by ſo ſtupendious and over-ruling a Providence hath diſſolved you; Or that diſ-ſervice to their own Intereſt, as ever to acknowledge you any more for their *Repreſentative*.

*Sine die*, being thus unable to help in this matter, theſe Gentlemen are forced to return again to the Prorogation, as ſeeing a neceſſity to ſtand or fall by it, and either to make that good, or to be totally routed, and therefore their laſt labour ſpends it ſelf in tumbling the Records, to find out Preſidents, as if Preſidents could prevail againſt *Law*, and 'tis boaſted by them (with mighty joy) that they have at laſt found out one Preſident in *Q. Eliz. Reign*, wherein a Parliament, was Prorogued for three dayes more than a Year.

But we ſay, this is no Preſident at all, but only one illegal Fact, and that there is but one in nigh 400 Years; And 300 Prorogation make very little for the honour of thoſe that urge it, But if this were a Preſident, what would it avail, ſince it is directly contrary to ſo many known *Lavvs*? For if a Preſident can make an illegal thing lawful, there is no wickedneſs under the Sun, but may bring a Preſident to warrant it And therefore the greateſt Sages of the *Law* have alwayes aſſerted, *That the Lavv is the Met-vvand and Standard of Preſidents; And that all Preſidents againſt the Lavv, vvere to be rejected as vvicked and unvvarantable, or elſe you give Preſidents the Maſtery over the Lavv; Nay nul*

*the*

*the Lavv, and ſet up a nevv Rule of our practice.*

We have preſidents, and very antient preſidents to, that this kingdom was of the *Romish* profeſſion; what, is it therefore warrantable for us to follow thoſe Preſidents contrary to Law, and turn Papiſts? We have a preſident that King *John*, contrary to law, reſined the Realm of *England* to the Pope, Is it therefore lawful for any other King of *England* to do the ſame? We have alſo a preſident that Queen *Eliz.* from whence your preſident is fetched) contrary to Law, Impriſoned ſome Members of the Houſe of Commons for ſpeaking their mind in Parliament, Is it therefore ever the more lawfull for the king and his ſucceſſors to violate your priviledges? Wherefore unleſs the preſidents be lawful, it is not lawful to follow your preſident, unleſs you your ſelves would be made preſidents to future Ages. And therefore it was well ſaid by the Lord chief Juſtice *Brampſton*, *We are not to ſtand upon preſidents, but upon the Lavv; and tho preſidents look either the one vvay or the other, they are to be brought back unto the Lavvs.* And the Lord Juſtice *Vaughan* tells you thus; *Though Preſidents have been ſo often that they may be called by the Name of Uſuage, yet that, if uſuage hath been againſt the obvious meaning of an Act of Parliament, in the vulgar and common acceptation of the Word, then is it rather an Oppreſſion of thoſe concerned, then an Expoſition of the Act.*

Wherefore unleſs you will ſtand upon record as the Oppreſſors of all the people of *England* (for no leſs than all the People of *England* are concerned herein) you can never admit of any preſident againſt the obvious meaning of not one Act alone, but ſo many Acts of Parliament, and that not in a wreſted ſence, but in the plain vulgar and common acceptation of the word.

Your duty lying thus manifeſtly before you, there is nothing worthy a man, that can obſtruct you, For it is only the ſingle fear, that the people will not chooſe you again, that

can make you deny it, and to deceive any, in the trusts they have given you, because you doubt they will credit you no more, is but an odd kind of honesty, neither does the policy thereof look over strong, for to be sure your betraying your trust, in opposing the Laws and the Interest of the People, is never the way to be chosen again.

But on the contrary, your stout and faithful standing for, and defending them, is an infallible way to have your trusts renewed. And to think to keep it against the peoples will, is a weakness too great for any man, that would be reckoned more than once removed. ---

Pray remember your Elder Brother, the former long parliament, they would sit against the peoples desire, and yet, though they had a special Act of parliament for their sitting, and an Army to back that Act, yet you see when the people minds were turned against them, do they and their Army what they could, the people never left till they had unrooted them; they took such vengeance on them as cost many of them their Lives, their Liberties, and the Fortunes of almost all of them: All which it is possible might have been saved, had they observed their season, and instead of imposing themselves, let the People have had their yearly Representatives; for lack of which, the dissatisfaction and revenge of the people was engaged against them, so that it was themselves that first pull'd down ruine upon their own heads. For by their long sitting, they wearied the *Roundhead*, as you have done the *Cavalire*. And the worst Omen that befalls a Government, is, when its friends fall from it, And look what was the reason that turned the Gentlemen that were on the Parliament side against them, and you will find the self-same reason turneth your old Friends against you; for as they stomaked it then, to see a few of themselves perpetuating their own Rule, to the exclusion of all others, so do we now.

And

And if the Nation would not endure that parliament though they had a Law for their sitting, because of their strange and unwonted length, can you think the same people will abide your longer sitting in expres and utter defiance of all the laws of the kingdom? And shall it be told to future generations, That *England* chose a parliament in sixty one, who after they had sate fifteen years, and were by an illegal prorogation, legally dissolved, yet out of a wretched unconscionable desire to sit yet longer; *Betrayed the People that chose them; And sate upon a Prerogative account, contrary to the known Laws of the Kingdom.*

Nor let any man think it strange that we account it Treason for you to sit and Act contrary to our Laws: For if in the first parliament of *Richard* the second, *Grimes* and *Weston*, for lack of Courage only, were adjudged guilty of Treason for surrendring the places committed to their Trust; How much more you? if you turn *Renegadoes* to the people that entrusted you? and as much as in you lies surrender, not a little pittifull Castle or two, but all the legal defence the people of *England* have for their Lives, Liberties and Properties at once.

Neither let the vain perswasion delude you, that no president can be found, that one *English* Parliament hath hanged up another, (though peradventure even that may be proved a mistake) for an unpresidented crime calls for an unpresidented punishment, and if you shall be so wicked to do the one (or rather endeavour to do, for now you are no longer a parliament) what ground of confidence you can have that none will be found so worthy to do the other, we cannot understand, and do faithfully promise (if your unworthyness do provoke us to it) that we will use our honest and uttermost endeavours whenever a New

New parliament ſhall be called) to chooſe ſuch as may convince you of your miſtake. The old and infallible Obſervation, That Parliaments are the pulſe of the people, ſhall looſe its eſteem, or you will find that this your preſumption was over fond, however it argues but a bad mind to ſin becauſe it belives it ſhall not be puniſhed.

But all grand offenders againſt the law ever were of that belief, but it hath faild them very oft, For *Andrevv Horn* in his *Mirror of Juſtice*, tells us, That *Alfred* hanged *Darling*, *Segnor*, *Cadvvine*, *Cole* and 40, Judges more for juding contrary to Law: And yet all thoſe falſe judgements were but in particular and private caſes and concernments, not upon the Laws themſelves. And our Hiſtories of later times ſay, That Sir *W. Thorp*, Chief Juſtice of the *Kings Bench*, in the reign of *Ed.* 3. for receiving but one poor hundred pound in Bribes, was for that alone, adjudged to be hanged, and all his Lands and Goods forfeited, and this reaſon rendred for his condemnation, *Becauſe thereby, as much as in him lay, he had broken the Kings Oath made unto the People, vvhich the King had entruſted him vvithall.* And in the 11th year of *Richard the* 2*d*, The *Lord* chief Juſtice *Triſilian* was hanged drawn and quartered, for giving his judgement that the king might Act contrary to one Particular Statute. And *Black* the Kings Council, and *Uske* the Under-ſheriff of *Middleſex* with 5 more perſons of quality, were alſo hanged for but aſſiſting in that Caſe.

And in the firſt year of *Hen.* 8 *Empſon* and *Dudley* (notwithſtanding they were two of the kings privy council) were hang'd for procuring and executing an Act of Parliament, contrary to the Fundamental Laws of the kingdom, and to the great vexation of the People. And in the of *Hen.* 8 Cardinal *Woolſey* was acounted guilty of High Treaſon for endeavouring to ſubvert the Common Laws of the land and to introduce the Civil *Law* in its ſtead. Divers later inſtances might be given, but that it is not prudence to follow

Truth

Truth too close at the heels, neither will it be necessary to name more, if these are well considered; For if the Lord Chief Justice *Throp*, for receiving the Bribery of a hundred pounds was adjudged to be hanged, as one that had made the King break his Oath to the people, how much more guilty are they of making the King break his Coronation Oath, that perswade him to act against all the laws for holding parliaments which he is sworn to maintain? And if the lord chief Justice *Tresilian* was hanged, drawn and quartered, for advising the king to act contrary to one Statute only, What do they deserve that advise the king to act not only against one statute, but against all these antient laws and statutes of the Realm! And if *Blake* the kings Council, but for assisting in the matter, and drawing up Inditements by the kings Command, contrary to Law, though it is likely he pleaded the kings Order for it, his duty to do it, and that it was but *pro forma*, what he did, yet if he was hanged, drawn and quarterd for that, what Justice is due to them that assist in the total destruction of all the Laws of the Nation? And if *Uske* (the Under-Sheriffe, whose Office tis to execute the Laws) for but indeavouring to aid *Tresilian*, *Blake* and their accomplices, against one single Statute, was also with 5 more hanged drawn and quartered, what punishment do they deserve, that ayd and endeavour the subversion of no less than all the laws of the kingdom? Nay, if *Empson* and *Dudley* tho they had an Act of Parliament on their side, yet that Act being against the known Laws of the Land, were hanged as Traitors for putting that statute in execution, and if *Woolsey* was accounted guilty of high Treason for endeavouring to exchange the laws of *England* for the Civil laws? How great must be your condemnation, and of how much sorer punishment must you be judged worthy, if you should but endeavour to sit and act as a Parliament upon this Prorogation? for you have not only no law to plead, as *Dudley* and *Empson* had, but are directly contrary to all our laws, of every kind:

And

And you will thereby not only attempt to exchange our lawes, as *Woolsey* did, but to put us into a ſtate of no law at all.

Having thus faithfully diſcharged our duty, and layd yours before you, that through no inadvertency you may be ſurpriſed, we have done. Not at all doubting the iſſue thereof; for, if it be his Majeſties honour and true intreſt, to keep the Laws he hath ſo ſolemnly ſworn and proteſted to do, as aſſuredly it is; we have no Reaſon to doubt him, And if thoſe worthy Patriots in the Lords Houſe, whoſe names can never be mentioned, with that Honour, they deſerve from the people, did deſire to addreſs to his Majeſty fifteen months ago for the Parliaments diſſolution, and ſince, all the reaſons that moved them thereto at that time, do ſtill continue, and that this main reaſon in now alſo added, That this Parliament can ſit and Act no more as a Parliament without the total ſubverſion of the laws, and the very conſtitution of the Goverament of *England* we have no reaſon to doubt the Lords.

And if the Commons ſhall but conſider from whence, and for what end they received their truſt, we have no cauſe at all to doubt them neither; for certianly among them as well as among the lords, are a greater number of perſons of honor wiſdom and fortune, then of thoſe that are Indigent of all, and that will think with themſelves, that if not above halfe the people of *England* are repreſented by them, and that two thirds of that halfe that are repreſented, are weary of their ſiting and deſirous of their diſſolution, and that 5. Parts of ſix do belive they can never more legaly ſit as a Parliament, and that ſixth ſeem doubtful; And ſince that worthy part of the Commons, can get nothing to themſelves in particular by ſitting, and that if 5, 10, or 20 years hence, they ſhould by another Parliament be found to have uſurped the Legiſlative power of *England*, to the Ruine of our Lawes, and the deſtruction of the people, they would be ſure to anſwer

swer it, with no less then their Lives and Fortunes; and since if they should presume to sit so many persons of quality, are resolved not to pay any taxes, or obey any other of their acts without first trying their validity by due process of law. And what pleasure or advantage his Majesty can take, or they themselvs can have, in their sitting as a Parliament, when their very Jurisdiction is like to be questioned in all the Courts of *England*? And whether it be likely that *English Juries* should find against their neighbours, and therein against themselves, to uphold a Parliament that hath so many yeares imposed it self upon them, contrary to their desire, And that *now is Legally dissolved*, we leave to themselves to Judge.

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POST-

# POST-SCRIPT.

THere has been so much already said in this and other Discourses concerning the late *Prorogation* of fifteen Months, to prove it a Dissolution in Law and likewise to shew that the admittance of this Convention for a *Parliament*, would directly tend to the Subversion of the Fundamentals of our *English Government*, that I doubt not but it will be sufficient to convince all Rational persons, unless such whose Intereſt leads them to maintain their usurped Authority, and whose Debauchery hath prepared them to receive that Yoke of Slavery which is design'd for them. Yet since I find some startled at that unjust censure, which past on those noble Lords, which vindicated the Rights of their Covntry; and at the speedy Resolution of the Commons, which suffered it not to be put directly to the question, I thought it necessary to offer something to their Consideration, that they may not desert their Birth-rights for every unjust Opposition, or imagine that the Cause has thereby received any considerable prejudice.

I will not undertake to give you a Relation of what passed in both Houses the two first dayes of their late Session, you may expect that in a distinct Treatise from some abler Hand; I will only put you in mind, That the Lords were denied both to demand the Opinion of the Judges as to the matter of *Law* before them, and to resolve the House into a Grand Committee, whereby they might have had opportunity of replying to the pretended Answers of the contrary party, both which are the undoubted Rights of every Peer: In the House of Commons, the legality of the *Prorogation* was debated under the Question of *Electing* or *not Electing*

*new Committees*, and though it was Voted Legal by 183 -- against 165, --- yet the *Minor* part consisted of such as are known to be most learned in the Records of *Parliament*, and whose integrity remains least spotted in the almost universal corruption of the House; I only desire you to consider how improper Judges they were of the matter in debate, if the late *Prorogation* did amount to a *Dissolution*, they had no longer Authority to examine it, their Power revolv'd to the People of *England* that intrusted them, and without a *New Election*, they are the greatest Usurpers in the world.

But Power is so gratefull to all men that have long time enjoyed it, that it is allmost impossible to perswade them to quit the unjust possession of it; if any Member of the *Conventions* that met under the late Usurper *Cromwel*, had moved in the House, that they ought not to sit there as a Legislative Power, becaus they were not summoned by his Majesties Writ; no doubt but they would have Voted themselves a Legal *Parliament*, and have rewarded the Loyalty of the first Mover with the same Justice as the House of Lords lately did the Duke of *Buckingham*, the Earl of *Salisbury*, the Earl of *Shaftsbury*, and the Lord *Wharton*.

I wish you would likewise consider under what circumstances a great part of this House lie, how many of them would be deprived of the Pensions they only enjoy during their Session in Parliament; and many of them have scarce Lands enough left to entitle them to a new Election. Others would be forced to the payment of their Debts, and the Law left to its free Course; A general Blessing to the Nation, but (in their opinion) the greatest misfortune can befall themselves. All of them would return to their Countries to give an account of those Liberties the People of *England* intrusted them with, and I leave the *Impartial Reader* to Judge how well they have performed their Trust.

What Resolutions then would you expect from such men, but what you now meet with; but I hope no lover of the

*Lavvs* and *Liberties* of *England* will quietly ſubmit to the Violation of them. We often read that the Acts of lawful Parliaments have been Voted Illegal by ſucceeding ones, and ſometimes that their whole Tranſactions have been adjudged void; I do not in the leaſt doubt to ſee the ſame Fate happen to our preſent Convention, and that ſpeedily, if the Nation does not deſert its own Intereſt.

I will not propoſe any thing but what has been ſucceſfully warranted by the Example of our Anceſtors; They have always maintained their Right to their Eſtates, and that they could not be diſpoſed of without their Conſent in Parliament; How plainly then does he betray the Liberty of his Country, that pays any Tax not impoſed by that Authority? And whoever does peruſe the preceding Diſcourſe, muſt acknowledge, That all Subſidies demanded before a New Election, ought to be eſteemed no otherwiſe.

I do not write this to expoſe any to an unneceſſary danger, I am very confident there will be many perſons of Quality found, who will not ſubmit to this illegal Impoſition, how expedient ſoever it were otherwiſe to the Nation; and perhaps if their Goods are diſtrained for want of payment, will require the opinion of the Judges in *Weſtminſter Hall*, though they were unwilling to give it in the Houſe of Lords. I am ſure it will be very dangerous for them to give a falſe Judgement in a Caſe wherein the Fundamental *Lavvs* of *England* are ſo much concerned.

If there are any others who are unwilling to expoſe themſelves immediately to a publick Trial, let them all at leaſt own their *Liberties* ſo far, as to ſuffer their Goods to be Diſtrained; no man will be frighted at the Trouble or Charge of it, that conſiders them.

The *Lavv* requires, that their goods ſhould be ſold at the beſt rates, and the Overplus returned to the Owner; or they may procure ſome Friend to buy ſo much of them at a true value as will ſatisfy the ſum demanded. They may then bring their

Action

Action of Treſpaſs againſt the Officers that levy the Tax, at any time within ſix years, or by continuing the Writ, which will coſt them a very ſmall matter, they may defer the Trial till ſuch time as they find the Courſe of Law Free and Undiſturbed. A good *English* Jury will take care fully to recompence them the Damage they ſhall ſuffer in ſo publick a Cauſe.

I have always obſerved that the refuſing of unjuſt Taxes has ended in the Honour of thoſe that withſtood them, and the greater Security to the Nation. The Impriſonment of Sir *John Eliot* and others, *in Tertio Caroli*, for refuſing to pay Money to the *Loan*, contrary to the Great Charter of *England*, produced that admirable *Lavv*, called the *Petition of Right*, in the ſubſequent *Parliament*; and has made their memories dear to all good *English-men*. So when *Tunnage* and *Poundage* were demanded *Quarto Caroli*, contrary to the *Liberty of the Subjects of* England, Mr. *Chambers* and other Merchants of *London* bravely oppoſed it, notwithſtanding the Orders of the *Privy Council*, and the unjuſt proceedings of the *Court of Exchequer*, in commanding the Sheriffs not to execute their *Writs of Replevin*; For which good Service, they received a Publick Commendation in Parliament the ſame year, and their Names remain Recorded to all Poſterities for good *Patriots*. Nay more, The King in his Speech the ſame Seſſion, thought it requiſite for the ſatisfying the minds of the Commons, to aſſure them, *That he did not Claim* Tunnage *and* Poundage *by any Prerogative, but ſolely as the Gift of his People*. An acknowledgment which way prove very Uſefull to ſucceeding Times.

VVe muſt all conclude the Age we live in very unfortunate, if it does not ſtill yeild ſome *English-men* bold enough to aſſert their *Lavvs* and *Freedom* notwithſtanding all its Oppreſſors. I am ſure it will very much increaſe our Infamy, if after ſo many Informations of our *Rights*, and the great Examples of our *Anceſtors*, we ſhall appear leſs zealous

of Preſerving them: And Poſterity may well adjudge us ripe for Slavery, when they ſhall find we wanted Courage to defend our Liberty.

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*Directions to all good* Engliſh-men, *vvho ſhall refuſe to pay the laſt Tax of five hundred thouſand Pounds, or any other Tax unlavvfully impoſed on them by the Convention. Hovv to govern themſelves according to Lavv, and vvhat the Expence of the Lavv is, that they may no vvay be Abuſed, Deceived, or Oppreſſed.*

IN all Caſes where Goods are Diſtrained and Sold without a legal Authority, the Owner may at his Election have an *Action of Treſpaſs*, or an *Action of Trover and Commiſſion* againſt the Perſon that ſo Diſtrained and Sold them; and if the Owner think fit he may joyn the Buyer in the *Action of Trover*, or may bring it againſt Buyer or Seller alone, if the Goods are not Sold in an Open Market. But if they be Sold in an Open Market, no *Action* will lye againſt the Buyer, but againſt the Perſon only who Diſtrained and Sold them.

When Goods are Diſtrain'd and not Sold, an *Action of Trover* lyes againſt the Perſon that Diſtrained, and others in whoſe Cuſtody the Goods are. But before you bring this *Action*, you muſt demand the Goods of the Perſon that Diſtrained them before ſufficient Witneſs, and if you will joyn the Perſon in whoſe Cuſtody the Goods are, or bring an Action ſingly againſt him, then you muſt demand the Goods of him alſo, or elſe be able to prove, that they or one of them have Uſed the Goods. In the firſt Caſe the Denyall to Deliver them, is a *Converſion* in Law; and in the laſt Caſe the Uſing the Goods, is an Actual *Converſion*.

If

If the Owner of the Goods ſhall think it more Convenient to pay the Money demanded, rather than ſuffer his Goods to be Sold, and ſhall pay it accordingly, in ſuch Caſe an Action of Treſpaſs will only lye for taking away the Plaintiffs Goods, and detaining them till he had paid ſuch a ſum of Money.

Either of theſe *Actions* may be Commenced at any time within ſix years after the Cauſe of *Action* accrued, and if the goods of any Perſons being under the Age of 21 years, *Non compus Mentis*, Impriſoned, or beyond the Seas, be Diſtrained; then ſuch Perſons may Commence their *Actions* at any time within ſix years after they come to be of full Age, of ſound Memory, at Large, and Return'd from beyond the Seas.

*As to the Charges of Commencing an Action of* Trover *and* Converſion, *Theſe are the Fees.*

| | l. | s. | d. |
|---|---|---|---|
| For drawing the *Præcipe*, | 0 | 1 | 8 |
| For the *Original Writ*, | 0 | 3 | 0 |
| For the *Returning* and *Fileing* thereof | 0 | 0 | 8 |
| For the *Attorneys Fee* | 0 | 3 | 4 |
| | 0 | 8 | 8 |

*In* Treſpaſſes *the Fees are thus;*

| | l | s | d |
|---|---|---|---|
| For drawing the *Præcipe*, | 0 | 0 | 4 |
| For the *Original Writ*, | 0 | 1 | 6 |
| For *Returning* and *Fileing* thereof | 0 | 0 | 8 |
| *Attorneys Fee*, | 0 | 3 | 4 |
| | 0 | 5 | 10 |

And

And if any ſhall be ſo hardy to make a Diſtreſs a ſecond time, or oftenner, upon pretence of more Payments becomming due, though ſuch Diſtreſſes are made at ſeveral Times, yet one Writ will be ſufficient for all ſuch illegal Diſtreſſes.

Thus you ſee the little Charge the Subject is at for aſſerting his Property and Commencing his Action. For the Danger, if you were liable to any by the *Law*, I would tell it you, and ſeeing there is none, I hope no Man will be ſo much a *French-man*, and ſo little an *English-man*, to betray his *Liberty*, *Life*, *Birth-Right*, *Eſtate and Poſterity* to the Arbitrary Power of a Convention, or any other Illegal Power under Heaven.

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# FINIS.